

Remarks

Response to 35 USC Sec. 112 Rejection:

Claims 85-99 and 121-123 were rejected under 35 USC 112, 1st Paragraph; specifically, the Examiner stated that claims 85 and 121 did not have subject matter described in the specification, namely the following claim language: “the removable cover having a third air hole opening, which is adjacent to and substantially surrounds the opening for the sheet wick”

In response, the applicant has canceled without prejudice claims 85-99 and 121-123.

To clarify the written record, the applicant respectfully disagrees with the Examiner in this Sec. 112 rejection. Proper antecedent basis for the claim language (the removable cover having a third air hole opening) exists with the applicant’s Specification at Paragraph 0062 on pages 10-11. Applicant reserves the right to resubmit these claims in a future continuing application for examination.

Response to Claim Rejections – 35 USC 102(b) and Amendment to Claim 113:

In the March 17, 2008 Office Action, Claim 113 was rejected under 35 USC 102(b) as being anticipated by U.S. 147386 (Gibson). In response, the applicant respectfully disagrees with the Examiner regarding the outwardly extending ledge and heat and fragrance releasing holes of Claim 113. However, to further clarify how the applicant’s claim structure is not taught by the Gibson reference, the applicant has amended Claim 113 as follows:

“the container includes an outwardly and perpendicularly extending ledge about a top perimeter of the container;

the ledge includes heat and fragrance releasing holes; and

the heat and fragrance releasing holes are oriented substantially perpendicular to the open upper end of the container.”

The applicant has added the term “and perpendicularly” to clarify both the ledge and its heat and fragrance releasing holes are different and novel structures from what is shown in Gibson (Fig. I, II and III). See Fig. 13-15 of the Applicant’s Specification and Drawings. No new matter has been added.

Regarding an error in punctuation, the previously submitted claim 113 lacked a semi-colon on line 10.

Response to Claim Rejections – 35 USC 102(b) and Amendment to Claim 100:

In the March 17, 2008 Office Action, Claim 100 was rejected under 35 USC 102(b) as being anticipated by U.S. 2324753 (Alexiade). In response, the cited prior art does not teach the applicant’s Claim 100 element: “the first plate is a planar sheet and has **substantially more surface area than the second plate**; the second plate has a first leg and a second leg; **the first leg is vertically aligned with respect to the horizontally aligned second leg; the first plate is joined to the second plate along an outer edge of the first leg of the second plate.**” The cited references do not teach a second plate with a first leg and a second leg as stated in Applicant’s Claim 100.

In the March 17, 2008 Office Action, the Examiner concluded, “**US 2324753 (Alexiade)** a body defining a chamber for carrying a combustible liquid and having an open upper end; first and second plates (12, 13) arranged in a spaced, confronting relationship with lower portions located within the chamber of the body; the first plate is a planar sheet and has substantially more surface area than the second plate; the second plate has a first leg (17) and a second leg (18); the first leg is vertically aligned with respect to the horizontally aligned second leg; the first plate is joined to the second plate along an outer edge of the first leg....”

Respectfully, Alexiade does not teach every element of the applicant's claim 100. First, as shown in Fig. 3 and 4 of Alexiade, Parts 12 and 13, appear to have the same surface area and not different surface areas as described in applicant's claim 100.

Second, Alexiade does not teach a second plate with a first and a second leg. Rather, looking at the structures part no. 13 of Alexiade (as designated by the Examiner), Part No. 13 does not have a first and a second leg; there only appears to be no leg structures coming off Part No. 13 of Alexiade as shown in Fig. 3-4.

Response to Examiner's Comment on Page 6 of the March 17, 2008 Office Action:

The Examiner wrote: “[w]ith regard to the recitation "free of material having a high heat conductivity", since the term "high" is a relative term which is otherwise undefined in the claim the lower portion of the wick holder is deemed the structural and functional equivalent to that which is only broadly claimed.”

With due respect, the applicant questions the need for this comment on the interpretation of the phrase “free of material having a high heat conductivity”. This phrase “free of material having a high heat conductivity” modifies the claim as written, namely: “the sheet wick is free of material having a high heat conductivity”.

Response to Claim Rejections – 35 USC 103:

In the March 17, 2008 Office Action, the Examiner rejected dependent claims 110-112 and 114-120 under 35 USC 103(a) over U.S. 147386 (Gibson). In response and in light of the above remarks, if a dependent claim relies upon an allowable independent claim, then that

dependent claim should also be allowable. Claims 110-112 are dependent on claim 100; claims 114-120 are dependent on claim 113 (as presently amended here).

Regarding the Examiner's Official Notice statements on Page 7-8 of the March 17, 2008 Office Action, the applicant respectfully makes the following comments:

1. Gibson U.S. 147386 teaches against using a solid fuel such as meltable wax. Viewing Fig. II (vertical section view), there is a nozzle ("d") to allow the user to fill the apparatus with oil. Based on the particular structure of Gibson, it would appear to be very difficult to fill this Gibson apparatus with a solid fuel material.

2. Gibson U.S. 147386 teaches against using a "cooling leg arrangement" (see March 17, 2008 Office Action, page 7, line 28) due to the upper and lower structures as shown in Fig. I, II and III and also in Col. 1, Paragraph 4: "[t]he base or body of the stove is constructed in two halves, A B, the lower portion...while the part b serves as an air and ventilating space, the top of which is formed by the bottom B' of the upper half or tray B, **which is arranged to contain water for the purpose of keeping the lower part of the apparatus cool.**" (*emphasis added*).

Also, Gibson states: "[i]n use, the upper tray B should be kept filled with water sufficiently to allow it to rise in the water-jackets G nearly to the level of the top of the wick-tubes, in order that the wick may be cool, and be prevented from charring at the burning-point." Gibson, Col. 2, lines 17-22. With this "water cooling" system, Gibson teaches away from using other types of structures for cooling.

3. Gibson U.S. 147386 teaches against using combination with Kranc (US2775006). One skilled in the art would not combine Gibson's "water cooling" structures with Kranc's vaporizing unit because Gibson is trying to keep its apparatus cool, while Kranc is trying to vaporize material with heat.

Kranc states its purpose is to provide a vaporizing unit of a size to fit within the upper portion of an open-topped bowl or jar having a candle in its lower portion to supply the heat necessary for vaporization of material in the vaporizing unit. See Kranc, Col. 1, lines 23-28.

"[T]he vaporizing unit is annular to provide an upright central flue in vertical alignment with candle wick to conduct hot gases from the candle flame upwardly out of the apparatus, and wherein **the vaporizing unit is held spaced from the surrounding walls of the jar so that such upward flow of hot gases through the flue induces a downward flow of air into the jar through the space around the exterior of the vaporizing unit, to supply combustion air to the flame of the candle."** Kranc, Col. 1, lines 28-38. (emphasis added).

Kranc places a separate disposable vaporizing unit 12 within the candle chamber with a very small orifice 17 in order to cause a substantial vapor pressure to be generated in the container 12 so that the vapor will be blown out of the container with some force and promoting diffusion in the air to be treated. (Kranc, Col. 3, lines 1-8). This orifice 17 must be small in order to allow substantial vapor pressure to be generated.

Because Kranc teaches the need to build up pressure within the vaporizing unit 12, there cannot be any perpendicularly oriented holes in the vaporizing unit 12, which would release the desired pressure and teaches against any combination with the Gibson reference.

Also, because Kranc's vessel 12 has a volatile and burnable material such as fragrance or perfume, Kranc's particular structure (i.e., placing a vessel 12 within the body of the candle 4) teaches against any air openings perpendicular to the opening of the apparatus.

Rather, Fig. 2 of Kranc suggests moving any volatile material from vaporizing unit 12 upwards and outward through some holes parallel (and far away from the center of the center opening) to the vessel opening and not perpendicular or sideways. Viewing air flow arrows in

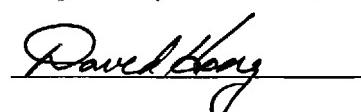
Fig. 2 and based on Kranc's vaporizing chamber 12 fitting within the candle chamber, if there were perpendicular openings in Kranc's vessels 12, any volatile material would be pushed downwards back into the candle and consumed by the candle flame in the main chamber. It would not make any sense to have a perpendicularly oriented opening for the vaporizing unit 12 to release any fragrance vapor into the path of the downward airflow into the candle to be burned and destroyed.

Also, Kranc states: “[s]uitable annular gaskets 29 and 30, on the upper edges of the upright inner and outer walls respectively, prevent leakage of the contents during shipment and/or handling of the container prior to its installation in the candle bowl.” Kranc, Col. 4, lines 5-10. As a result, because Kranc makes efforts to keep the unit 12 sealed until use, there is no suggestion or teaching for perpendicularly oriented holes on the ledge of the apparatus.

Based on the above remarks, consideration of the remaining claims is respectfully requested.

Respectfully Submitted,

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